

ENTERED

January 31, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**ASHLEY TEJADA,
(BOP # 46427-509)

Petitioner,

vs.

TANISHA HALL,

Respondent.

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CIVIL ACTION NO. H-24-4622

MEMORANDUM OPINION AND ORDER

Ashley Tejada, (BOP # 46427-509), is an inmate at Federal Prison Camp-Bryan. In November 2024, she filed a petition for writ of habeas corpus under 28 U.S.C. § 2241, challenging the calculation of credits against her sentence under the First Step Act. (Docket Entry No. 1). Tejada did not use the form approved for such petitions, and her pleading did not include all of the information required by the form petition. In addition, Tejada did not pay the applicable filing fee or file a motion for leave to proceed without prepaying the filing fee. On November 25, 2024, the court ordered Tejada to file an amended petition using the approved form. (Docket Entry No. 4). The court also ordered Tejada to either pay the applicable filing fee or file a motion to proceed without prepaying the filing fee within 30 days of the court's order. (*Id.*). The court provided Tejada with the proper forms, and it warned her that failing to comply as ordered could result in the dismissal of her petition without further notice under Federal Rule of Civil Procedure 41(b). (*Id.*).

As of the date of this order, Tejada has not responded to the court's order, and her time to do so has now expired. Tejada's failure to respond forces the court to conclude that she lacks due diligence. Dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Larson v.*

Scott, 157 F.3d 1030, 1031 (5th Cir. 1998) (a district court may dismiss an action on its own for failure to prosecute or to comply with any court order).

Tejada may seek relief from this order under Federal Rule of Civil Procedure 60(b) if she can show good cause for failing to comply with the court's November 25 order. Any motion under Rule 60(b) must be accompanied by an amended petition on the approved form and either the filing fee of \$5.00 or a properly supported motion to proceed without prepaying the filing fee, including a certified copy of her inmate trust fund account statement.

Tejada's petition, (Docket Entry No. 1), is dismissed without prejudice for want of prosecution. All pending motions are denied as moot.

SIGNED on January 31, 2025, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", is positioned above a horizontal line. The signature is fluid and cursive.

Lee H. Rosenthal
Senior United States District Judge